

PLAN AMENDMENT REPORT

Meeting Date: June 4, 2012

Reference Name	Live Well North Durham (A1100014)		Jurisdiction	City
Applicant	DKNC Ventures, LLC, Daniel R. Klausner			
Request Change in Comprehensive Plan Designation	From:	Low-Medium Density Residential (4-8 DU/Ac.) Office		
	To:	Office Commercial		
Site Characteristics	Tier:	Suburban		
	Present Use:	Medical office and single-family residential		
	Present Zoning:	RS-10; RU-5; OI		
	Overlays:	F/J-B (Falls Lake Protected Area)		
	Size:	2.89 acres (1.57 acres to OFC; 1.32 acres to COM)		
Location	Block bound by N. Roxboro St., Frasier St., Crabtree Ave., and Newsom St.			
PIN(s)	0823-16-84-9122; -9152; 0823-16-94-0101; -0171; -1161; -2247 (partial)			
Recommendations	Staff	Approval, based on the justification and the request meeting the four criteria for plan amendments.		
	Planning Commission	Approval, April 10, 2012, 10-1, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.		

A. Summary

The applicant, DKNC, LLC proposes to amend the Future Land Use Map for the block bound by N. Roxboro St., Frasier St., Crabtree Ave., and Newsom St. in two ways: (1) Change the future land use designation of five parcels on Newsom St. from Low-Medium Density Residential (4-8 DU/Ac.) to Office, and (2) Change the future land use designation of the corner of one parcel at the intersection of Frasier St. and N. Roxboro St. from Office to Commercial. The total land area

affected by the proposed changes is 2.89 acres. There is an associated Zoning Map Change request and development plan (Z1100030) for the entirety of the block.

B. Site History

The Future Land Use Map of the *West/Northwest Durham Plan* (2002) designated the subject site as Office and Medium Density Residential (4-8 Dwelling Units per Acre).

C. Existing Site Characteristics

The block containing the site of the proposed Plan Amendments houses five residential structures built circa 1930 to 1952, and a one-story medical office building built in 1981. The office building parallels N. Roxboro Street. A surface parking lot for the office building is at the corner of N. Roxboro and Frasier streets. Existing trees act as a visual barrier between the residential structures and the parking lot. The subject site is within the Falls Lake Protected Watershed (F/J-B) and is flat with no known surface water features. DATA Route 4 is accessible by a sidewalk on the east side of N. Roxboro Street. Please refer to Attachment 3 for aerial imagery of the site.

D. Applicant's Plan Amendment Justification

Office to Commercial:

The applicant contends the Plan Amendment contributes to Policy 2.2.2f, Suburban Tier Spacing of Commercial Nodes, of the *Durham Comprehensive Plan*, because a commercial use at the corner “provides for a unified medical development near the intersection of major thoroughfares ... where two corners already contain similar or larger retail uses.” Additionally, the applicant points out that, “Several properties along this corridor have been converted from residential to non-residential uses over the last three decades ... this is not the first commercially zoned parcel along the west side of Roxboro ... there are several commercially zoned parcels that back up to residential neighborhoods. The proposed Commercial will be buffered to the adjacent residential properties by the Office request.”

Low Medium Density Residential (4-8 DU/Ac.) to Office:

The applicant asserts the Plan Amendment will “provide a more reasonable transition,” than the current conditions allow. “Physical boundaries such as streets in coordination with significant buffers (parking and landscaping)” will be used “as a transitional mechanism between conflicting uses.” Additionally, the applicant notes that the “definitive edges of Newsom Street and Crabtree Avenue create logical edges for this development.”

Please refer to Attachment 4 for the complete justification statement provided by DKNC, LLC.

Staff Response: The applicant cites several justifications to consider amending the Future Land Use Map. The first is that the applicant believes that the proposed land use pattern would provide a better transition from N. Roxboro Street to the residential neighborhood because of enhanced landscaping and more defined boundaries between uses. A second justification posed by the applicant is that a Commercial land use at the corner of Frasier Street and N. Roxboro Street would contribute to the existing commercial node and would support existing uses along the corridor. Staff agrees that, due to requirements for buffering in the Unified Development Ordinance (UDO), an improved transition between non-residential and residential uses can be achieved through this Future Land Use Map amendment. Therefore, staff concludes that the applicant's justification statement warrants consideration for amending the Future Land Use Map. A further examination of the request according to the four criteria for plan amendments follows.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Plan Consistency

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the

proposed plan amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

Land Use Change 1: Office to Commercial

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, indicates that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The proposed amendment would add 1.32 acres of Commercial land to the Future Land Use Map. The Future Land Use Map currently accommodates 6,700 acres for commercial development, more than enough to meet demand in 2035. By 2035 there will be demand for 2,830 acres of office land county-wide. On the Future Land Use Map enough land is designated to accommodate 2,900 acres. Despite the replacement of 1.32 acres of Office with Commercial, there is a net gain in Office acreage because of the second component on the proposed plan amendment to change 1.57 acres of residential land to Office.

Durham Comprehensive Plan Policy 2.2.2f., Suburban Tier Spacing of Commercial Nodes, indicates that commercial uses should:

- i. Separate distinct nodes of commercial development by a distance of at least one-half mile, measured from the outermost edge of the node;
- ii. Cluster commercial uses at intersections of thoroughfares; and
- iii. Restrict new, isolated, mid-block commercial uses.

Analysis: The proposed Commercial designation is located on the corner of N. Roxboro Street, a major north/south thoroughfare lined with both commercial and office uses, and Frasier Street, a local east/west street that provides access from Duke Street to N. Roxboro Street and William Penn Plaza shopping center. Between Duke Street and N. Roxboro Street, Frasier is lined with non-residential uses indicated as Office on the Future Land Use Map. This intersection has already been established as a non-residential intersection. A Commercial use at this corner is not in violation of the second or third clauses of the policy.

The intent of the first clause of the policy, which indicates that commercial nodes ought to be separated by one-half mile, is also met by the proposed amendment. Staff regards the proposed Commercial land use designation at the corner of two non-residential streets - Frasier Street and N. Roxboro Street

- as an expansion of an existing commercial node that contributes to a larger non-residential district (the area spanning both sides of N. Roxboro from Durham Regional Hospital to the south, north towards the convergence of Duke Street and N. Roxboro Street functions as an integrated non-residential node, refer to Attachment 2). Additionally, the boundaries of the proposed Commercial designation do not infringe upon the defined boundaries of the established residential neighborhood. Therefore, Staff concludes the request for Commercial designation is in compliance with this policy.

Land Use Change 2: Low-Medium Density Residential to Office

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, indicates that in evaluating Plan Amendments, the Governing Boards and City-County Planning Department shall consider the demand for the requested land use in the future.

Analysis: By 2035 there will be demand for 2,830 acres of office land county-wide. On the Future Land Use Map enough land is designated to accommodate 2,900 acres. Despite the replacement of 1.32 acres of Office with Commercial, there is a net gain in Office acreage because of the second component on the proposed plan amendment to change 1.57 acres of residential land to Office. By 2035 there will be demand for 189,000 dwelling units county-wide. On the Future Land Use Map, enough land is designated to accommodate 225,000 dwelling units, meaning there is a surplus of land already designated for residential uses. Therefore, the loss of 1.57 acres of residential land does not diminish Durham's ability to provide adequate housing in the future.

Durham Comprehensive Plan Policy 2.3.1e., Office Uses as Transition, indicates that office space should be used to transition between commercial and residential areas.

Analysis: The proposed land use pattern maintains the desired pattern of land uses according to this policy, which uses Office as a transition between more intensive uses, such as commercial, and less intensive residential uses. The applicant also asserts that the proposed pattern provides a cleaner transition between uses than what is currently on site and designated on the Future Land Use Map. Defined physical boundaries like streets and landscaping, the applicant says, create a more distinct separation of uses. Staff generally finds the opposite to be true: that an appropriate transition between uses is better achieved internal to the block (at rear property lines) where a landscaped buffer creates a more suitable transition between uses. While Staff's judgment is that transitions are more fitting internal to the block, in this particular case

standards in the Unified Development Ordinance mitigate many of the concerns regarding the location of this transition. In instances where the street right-of-way (ROW) is greater than 60 feet, the Office use would not be required to provide any kind of vegetated or landscaped buffer, creating a less than optimal transition. However, because Newsom Street's ROW is less than 60 feet, a 30 foot buffer that is 60% opaque is required by ordinance. Staff feels that this required buffer provides an adequate transition from Office to Residential uses to alleviate Staff concerns and fulfill the intent of the policy.

Staff is concerned that the proposed expansion of office uses into the existing residential neighborhood could present an undesirable precedent that could be used to justify similar policy changes in the future. However, in this case, the concern is mitigated by the transition provisions mentioned above. Staff would likely oppose other expansions of office uses into a neighborhood where similar mitigating factors do not exist.

Durham Comprehensive Plan Policy 2.3.2a., Infrastructure Capacity, indicates that the City-County Planning Department shall consider impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services.

Analysis: Traffic and water demand impacts are summarized in analysis of *Durham Comprehensive Plan* Policies 8.1.2a. and 7.1.7a below. Please refer to the zoning map change staff report (Z1100030) for more complete analysis of infrastructure impact.

Transportation

Durham Comprehensive Plan Policy 8.1.2a., Traffic Level of Service Standards (LOS), indicates that the LOS for roads within the Suburban Tier shall achieve a minimum of LOS D.

Analysis: The major roads impacted by the proposed change in future land use are W. Carver Street to the south and N. Roxboro Street to the west. W. Carver Street is currently a two-lane roadway without left-hand turn lanes designed to accommodate 11,900 average daily trips (ADT), and according to the most recent traffic volume count (2009) there were 10,000 annual average daily trips (AADT) (84% of capacity). N. Roxboro Street is designed to accommodate 31,500 ADT, and the most recent traffic volume counts (2009) reported 18,000 AADT (57% of capacity). A detailed assessment of traffic impacts is included in the zoning map change staff report, and demonstrates that Commercial and Office uses at this site would not cause the Level of

Service on either W. Carver Street or N. Roxboro Street to fall below Level of Service Standards indicated by this policy.

Conservation and Environment

Durham Comprehensive Plan Policy 7.1.7a., Water Demand Generation Rates, indicates the City-County Planning Department shall consider the impact of proposed zoning and plan amendment changes on water demand.

Analysis: Development allowed under the proposed plan amendment is estimated to generate a maximum demand for water of 2,125 gallons per day (GPD). This represents a decrease of water demanded by approximately 74 GPD from what development with the adopted Office and Low Medium Density Residential land use designations would allow. Durham has sufficient capacity in water supply to accommodate the change of designation.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.54 MGD
Committed to Date (January 2009 through December 2011)	0.72 MGD
Available Capacity	8.74 MGD
Maximum Water Demand Under Adopted Office and Low Medium Density Residential Uses ¹	2,199 gallons/day
Maximum Water Demand Under Proposed Office and Commercial Uses ²	2,125 gallons/day
Impact of Proposed Plan Amendment	-74 gallons/day
Notes: MGD = Million gallons per day ¹ Maximum water demand of the adopted Future Land Use (OFC: 10,925 SF & LMD: 12 DU) ² Maximum water demand of the proposed Future Land Use (COM: 9,200 SF and OFC: 12,994 SF)	

Staff Conclusion: The first component of the request – changing the Future Land Use Map from Office to Commercial on the corner of N. Roxboro and Frasier Street is consistent with the intent of the goals, objectives, and policies of the *Durham Comprehensive Plan*. It is an expansion of an existing commercial node and contributes to a larger non-residential district. The boundaries of the proposed Commercial designation do not infringe upon the defined boundaries of the established residential neighborhood. Therefore, the request to amend the Future Land Use Map to Commercial meets criterion 3.4.7A.

The second component of the request, amending the Future Land Use Map from Low-Medium Density Residential to Office, is also consistent with the intent of the goals, objectives, or policies of the *Durham Comprehensive Plan*. Office land uses are encouraged to act as transitions from more intensive uses (Commercial) to less intensive uses (Residential). Although Staff finds these transitions typically occur better mid-block, the adopted ordinance requires adequate buffering and what can arguably be described as a cleaner, more defined boundary between the neighborhood and the non-residential corridor. Therefore, the request to amend the Future Land Use Map to Office meets criterion 3.4.7.A.

2. Compatibility

The site is located in the Suburban Tier on the block bound by N. Roxboro Street, Frasier Street, Crabtree Avenue, and Newsom Street. N. Roxboro Street is busy thoroughfare, lined primarily with non-residential uses. Durham Regional Hospital, located three blocks south of the site, has precipitated the growth of medical offices in the area, including many Duke Healthcare Clinic facilities. Shopping centers, including the William Penn Plaza (1999) and Guilford Commons (circa 1990), have also developed in recent decades. Contextually, this area is attractive to nonresidential developers due to its proximity to two major thoroughfares (N. Roxboro Street and N. Duke Street) and the synergy created by the variety of health care related uses in the area. There is an established mid-twentieth century residential neighborhood located between these two major thoroughfares that has experienced development pressure as N. Roxboro and N. Duke streets continue to develop.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Medical offices	Office
East	Retail	Commercial
South	Office, single family residential	Office Low-Medium Density Residential
West	Office, single-family residential	Office Low-Medium Density Residential

Existing Uses: The site of the proposed plan amendment is bordered to the north by existing medical offices that are complementary to nearby Duke Healthcare Clinics and Durham Regional Hospital. East of the site, and on the opposite side of N. Roxboro Street, is the William Penn Plaza Shopping Center

anchored by Lowes home center with a number of outparcels. West of the site, several medical office buildings built during the late 1990s and early 2000s, line Frasier Street. Also west of the site is a small lot, single-family residential neighborhood, with homes primarily built during the mid-twentieth century. The neighborhood continues south of the site, however is buffered from N. Roxboro Street with office and retail uses.

Future Land Use Designations: According to the adopted Future Land Use Map, parcels south and west of the site are expected to develop as Office and at Low-Medium Residential Densities (4-8 DU/Ac.). On the east side of N. Roxboro Street, Commercial development is expected to remain. North of the site is designated for Office development.

Analysis: The subject site is on the edge of a growing non-residential district and an established single-family residential neighborhood. Staff finds the boundaries of the proposed Commercial designation do not infringe upon the defined boundaries of the established residential neighborhood. Impacts associated with the Commercial land use will be primarily experienced on two non-residential streets.

Staff has some reservation about the impact of converting the Residential uses along Newsom Street to Office uses. As written earlier, while Staff agrees that buffering requirements will alleviate many of the visual impacts of the proposed Office use, the concern is that it will precipitate further land use conversion. Looking at the Future Land Use Map as it is currently adopted, the residential neighborhood is anticipated to remain into the future. Meanwhile, market forces may desire that the entire area between N. Roxboro and N. Duke Street eventually be converted to non-residential uses (or a mix of uses). Though recommending approval in this case, Staff is concerned that there will be future desire to convert much or all of the existing neighborhood to non-residential uses. Since a portion of this block is already non-residential, and buffering will be required as part of the transition to the residential neighborhood along the street, upon completion of this project Newsom Street and Crabtree Avenue will create distinct boundaries between the residential neighborhood and the non-residential area.

Staff Conclusion: The proposed plan amendment to Commercial is compatible with the existing land use trends and designated future land uses in the area and, therefore, meets criterion 3.4.7.B. The proposed plan amendment to Office is compatible with the existing land use trends and with the designated future land use pattern in the area and, therefore, meets criterion 3.4.7B.

3. Adverse Impacts

The site is located in the Falls Lake Protected (F/J-B) Watershed Overlay district; however, there are not any water features or steep slopes on site. There is no reason to believe the site couldn't be developed according to the standards found in the Unified Development Ordinance for environmental protection. Potential adverse impacts to the residential neighborhood from the introduction of non-residential uses has been addressed above.

Staff Conclusion: The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7C.

4. Adequate Shape and Size

The area requested for an amendment to Commercial is approximately 1.32 acres and is of sufficient shape and size for Commercial development in the Suburban Tier.

Additionally, the area requested for an amendment to Office is approximately 1.57 acres and is of sufficient shape and size for Office development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime - District 2
- Ellerbee Creek Watershed Association
- Friends of Durham
- Unity in the Community for Progress
- Fayetteville Street Planning Group

G. Recommendations

Staff recommends approval of the plan amendment based on the justification and the request meeting the four criteria for plan amendments.

Planning Commission recommended approval at its April 10, 2012 meeting, 10-1, based on information provided in the staff report, the applicant's justification, and meeting the four criteria for plan amendments.

H. Staff Contact

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I. Attachments

Attachment 1, Map of Proposed Changes

Attachment 2, Context Map

Attachment 3, Aerial Photograph

Attachment 4, Applicant's Plan Amendment Justification

Attachment 5, Planning Commission Written Comments

Attachment 6, Resolution